

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
Steffon Best,

Plaintiff,

-against-

Police Officer Andy Cruz, and John and Jane Doe 1 through
10,

Defendants.
----- X

**STIPULATION AND
ORDER OF
SETTLEMENT OF
ATTORNEY'S FEES,
EXPENSES, AND COSTS**

17 CV 4298 (RJD) (RML)

WHEREAS, plaintiff Steffon Best commenced this action by filing a complaint on or about July 20, 2017, alleging that defendant violated his federal civil and state common law rights; and

WHEREAS, the defendant served plaintiff with an Offer of Judgment pursuant to Fed. R. Civ. P. 68 on January 24, 2018, and

WHEREAS, plaintiff accepted defendant's Rule 68 Offer of Judgment on January 25, 2018; and

WHEREAS, defendant denies any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff's counsel represents that plaintiff has assigned all of his rights to attorneys' fees, expenses, and costs to his counsel, Baree Fett, Esq.; and

WHEREAS, counsel for defendant and counsel for plaintiff now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. The City of New York hereby agrees to pay plaintiff's counsel, Baree Fett, Esq., the total sum of Seven Thousand Nine Hundred (\$7,900.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of Seven Thousand Nine Hundred (\$7,900.00) Dollars, counsel for plaintiff agrees to release and discharge defendant Officer Andy Cruz; his successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

2. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, expenses, or costs at any time.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

4. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and counsels for plaintiff hereto, and no oral agreement entered

into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

HARVIS & FETT LLP
Attorneys for Plaintiff
305 Broadway, 14th Floor
New York, New York 10007

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendant
100 Church Street, 3rd Floor
New York, New York 10007

By: *Baree Fett*
Baree N. Fett
Attorney for Plaintiff

By:  3/2/18
Melissa Wachs
Senior Counsel

SO ORDERED:

Dated: New York, New York
March 2, 2018

HON. ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE